JUN 0 7 2005

400 Garden City Plaza, Ste 300 Garden City, New York 11530 (516) 742-4343 - Telephone (516) 742-4366 - Facsimile e:mail: intprop@ssmp.com

# SCULLY, SCOTT, MURPHY & PRESSER



| То:   | USP<br>Art U  | niner R. S. Landsma<br>TO<br>Jnit: 1647<br>firmation No. 9285                    | n            | From:  | Xiaochun Zhu,    | Ph.D.            |
|-------|---------------|--|--------------|--------|------------------|------------------|
| Fax:  | (571)         | 273-8300   |              | Pages: | 38 (including or | over)            |
| Phone | :             |  |              | Date:  | June 7, 2005     |                  |
| Re:   | U.S.<br>Filed | 5. Zagon, et al.<br>Patent Application No<br>: November 2, 1999<br>Docket: 13038 | . 09/431,843 | CC:    |                  |                  |
| 🗆 Urţ | jent          | ☐ For Review   | ☐ Please Com | ment 🗆 | Please Reply     | □ Please Recycle |
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The following is being transmitted herewith:

- 1. Amendment Transmittal (in dup)
- 2. Amendment Under 37 C.F.R, §1.121
- 3. Exhibit A
- 4. Certificate of Transmission by Facsimile (in dup)

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| AMENDMENT TRANSMITTAL LETTER (Small Entity)  Applicant(s): Ian S. Zagon, et al.  |  |   |                         |                          |             | Docket No.          |          |                  |
|--|--|---|-------------------------|--------------------------|-------------|---------------------|----------|------------------|
| 749 modifi(3). Tail 5. Zagon, et al.   |  |   |                         |                          | <u> </u>    | 13                  | 3038     |                  |
| Application No.  | Filing Date  | Examiner                                    |                         | Customer                 | No.         | Group Art l         | Jnit ∤   | Confirmation No. |
| 09/431,843 November 2, 1999 R. S. Landsm   |  |   | ı                       | 23389                    | Ì           | 1647                |          | 9285             |
| Invention: NOVE  | L NUCLEIC ACID M                                       | OLECULES ENCODI                             | NG OPI                  | OLD GROW                 | /TH         | FACTOR R            | ECEP     | TORS             |
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| Transmitted herewi   | th is an amendment i                                   | n the above-identified a                    | pplication              | on.                      |             |                     |          |                  |
|  | -i   | 0 07 077                                    |                         |                          |             |                     | JUN      | o 7 2005         |
| Applicant ci   | aims smail entity stati                                | us. See 37 CFR 1.27                         |                         |                          |             |                     |          |                  |
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|  |  |   |                         |                          |             |                     |          |                  |
| · · · · · · · · · · · · · · · · · · ·  | CLAIMS REMAINING                                       | CLAIMS AS AM                                | 1                       |                          | <del></del> |                     |          |                  |
|  | •  | HIGHEST#                                    |                         | R EXTRA                  |             | RATE                | 1        | ADDITIONAL       |
| TOTAL CLAIMS   | AFTER AMENDMENT 24 -                                   | PREV. PAID FOR  37 =                        | CLAIMS                  | PRESENT                  | -           | COE 00              | -        | FEE              |
| INDEP. CLAIMS  | 4 -  | 29 =  |                         | 0                        | ×           | \$25.00             |          | \$0.00           |
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| 🔀 Any ad   | ditional filing fees req                               | uired under 37 C.F.R. 1                     | 1.16.                   |                          |             |                     |          |                  |
| ⊠ Any pa   | tent application proce                                 | essing fees under 37 CF                     | FR 1.17.                |                          |             |                     |          |                  |
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| Xiaochun Zhu  Registration No. 56 211  |  |   |                         |                          |             |                     |          |                  |
| Scully, Scott, Murphy & Presser  United States Postal Service with sufficient postage as first clausers for Patents. P   |  |   |                         |                          |             | tage as first class |          |                  |
| 400 Garden City Plaza-Ste 300 Box 1450, Alexandria, VA 22313-1450 [32 CFR 1.8(a)] on   |  |   |                         |                          |             | 1.8(a)] on          |          |                  |
| Garden City, New York 11530 (Date)   |  |   |                         |                          |             |                     |          |                  |
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| CERTIFICATE OF             | Docket No.                         |                                    |                         |  |  |  |  |  |  |
|----------------------------|------------------------------------|------------------------------------|-------------------------|--|--|--|--|--|--|
| Applicant(s): Ian S. Zag   | 13038                              |                                    |                         |  |  |  |  |  |  |
| Application No.            | Application No.                    |                                    |                         |  |  |  |  |  |  |
| 09/431,843                 | Filing Date November 2, 1999       | Examiner                           | Group Art Unit          |  |  |  |  |  |  |
| 07/401,040                 | November 2, 1999                   | R. S. Landsman                     | 1647                    |  |  |  |  |  |  |
| Invention: NOVEL NUC       | CLEIC ACID MOLECULES EN            | CODING OPIOID GROWTH               | FACTOR RECEPTORS        |  |  |  |  |  |  |
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| is being facsimile transm  | nitted to the United States Patent | and Trademark Office (Fax. N       | Vo. (571) 273-8300      |  |  |  |  |  |  |
| on June 7, 2               | 2005                               |                                    |                         |  |  |  |  |  |  |
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|                            |                                    | Xiaochun .                         | Zhu                     |  |  |  |  |  |  |
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| AMENDMENT TRANSMITTAL LETTER (Small Entity) Applicant(s): Ian S. Zagon, et al.  |   |                            |                                 |   |     | Do   | Docket No.<br>13038 |  |  |
|---|---|----------------------------|---------------------------------|---|-----|--|---------------------|--|--|
| Application No. Filing Date 09/431,843 November 2, 1999   |   | Examiner<br>R. S. Landsman |                                 | Customer<br>23389                       | No. | Group Art Unit   | Confirmation No.    |  |  |
| Invention: NOVEL NUCLEIC ACID MOLECULES ENCODING OPIOID GROWTH FACTOR RECEPTORS   |   |                            |                                 |   |     |  |                     |  |  |
| Transmitted herewi  | COMMISSIONER FOR PATENTS: PECEIVED  CENTRAL FAX CENTER  Transmitted herewith is an amendment in the above-identified application. |                            |                                 |   |     |  |                     |  |  |
| JUN ŋ 7 2005  Applicant claims small entity status. See 37 CFR 1.27   |   |                            |                                 |   |     |  | 7 2005              |  |  |
| The fee has been c  | alculated and is trans  | mitted as shown below.     |                                 | • |     |  |                     |  |  |
|   |   | CLAIMS AS AM               | ENDED                           | )                                       |     |  |                     |  |  |
|   | CLAIMS REMAINING  | HIGHEST#                   | NUMBER EXTRA  OR CLAIMS PRESENT |   |     |  | ADDITIONAL          |  |  |
|   | AFTER AMENDMENT   | PREV. PAID FOR             |                                 |   |     | RATE   | FEE                 |  |  |
| TOTAL CLAIMS  | 24 -  | 37 =                       |                                 | 0                                       | x   | \$25.00  | \$0.00              |  |  |
| INDEP. CLAIMS   | 4 -   | 29 =                       |                                 | 0                                       | x   | \$100.00   | \$0.00              |  |  |
| Multiple Dependent  | Claims (check if appl   | icable)                    |                                 |   | •   |  | \$0.00              |  |  |
|   |   | TOTAL ADDITIONAL F         | EE FOR THIS AMENDMENT \$0.00    |   |     |  |                     |  |  |
| No additional fee is required for amendment.  Please charge Deposit Account No. in the amount of  A check in the amount of to cover the filing fee is enclosed.  The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-1013/SSMP  Any additional filing fees required under 37 C.F.R. 1.16.  Any patent application processing fees under 37 CFR 1.17.  Payment by credit card. Form PTO-2038 is attached. |   |                            |                                 |   |     |  |                     |  |  |
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| Xiaochun Zhu Registration No. 56,311 Scully, Scott, Murphy & Presser 400 Garden City Plaza-Ste 300 Garden City, New York 11530 (516) 742-4343  I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on  (Dete)  Signature of Person Mailing Correspondence  |   |                            |                                 |   |     |  |                     |  |  |
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| CERTIFICATE OF  | Docket No.                         |  |                        |  |  |  |  |  |
|---|------------------------------------|--|------------------------|--|--|--|--|--|
| Applicant(s): Ian S. Zag  | 13038                              |  |                        |  |  |  |  |  |
| Application No.<br>09/431,843   | Filing Date<br>November 2, 1999    | Examiner<br>R. S. Landsman   | Group Art Unit<br>1647 |  |  |  |  |  |
| Invention: NOVEL NUCLEIC ACID MOLECULES ENCODING OPIOID GROWTH FACTOR RECEPTORS |                                    |  |                        |  |  |  |  |  |
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| is being facsimile transm   | nitted to the United States Patent | and Trademark Office (Fax. N                                       | No. (571) 273-8300     |  |  |  |  |  |
| on June 7, 2  | <del>2</del> 005                   |  |                        |  |  |  |  |  |
| (Date)  |                                    |  |                        |  |  |  |  |  |
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|   | •                                  | Xiaochun   |                        |  |  |  |  |  |
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### JUN n 7 2005

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ian S. Zagon, et al.

Examiner:

R. S. Landsman

Serial No.:

09/431,843

Art Unit:

1647

Filed:

November 2, 1999

Docket:

13038

For: NOVEL NUCLEIC ACID MOLECULES

Dated:

June 7, 2005

ENCODING OPIOID GROWTH FACTOR RECEPTORS

Confirmation No.: 9285

Commissioner for Patents Alexandria, VA 22313-1450

#### AMENDMENT UNDER 37 C.F.R. §1.121

Sir:

In response to the Office Action dated May 3, 2005 and in accordance with 37 C.F.R. §1.121, Applicants submit the following amendment for entry in the above-identified case.

#### **CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Dated: June 7, 2005